

Applicant : William J. Beyda
Serial No. : 09/668,039
Filed : September 21, 2000
Page : 6 of 11

Attorney's Docket No.: 00P7906US
Reply to Office Action dated Oct. 20, 2005

Remarks

I. Status of claims

Claims 1-33 were pending.

Previously withdrawn claims 6-13 and 19-28 have been canceled without prejudice.

Claims 1, 14, and 29 are independent claims. Claims 2-5 and 30 depend from independent claim 1. Claims 15-18 and 31 depend from independent claim 14. Claim 32 depends from independent claim 29.

II. Objections to the specification

The Examiner's objections to the specification will be addressed in section III below.

III. Claim rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1, 14, and 29 under 35 U.S.C. § 112, first paragraph. In particular, the Examiner has stated that:

The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "human-readable" is not described in the specification.

In accordance with MPEP § 2163.II.A.3(b):

The examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the original disclosure a description of the invention defined by the claims.

In this regard, the Examiner merely has pointed out that the term "human-readable" is not explicitly recited in the specification. It is well-settled, however, that the specification need not contain a literal transcription of the claim language defining the invention in order to satisfy the written description requirement. Instead, the application need only reasonably

Applicant : William J. Beyda
Serial No. : 09/668,039
Filed : September 21, 2000
Page : 7 of 11

Attorney's Docket No.: 00P7906US
Reply to Office Action dated Oct. 20, 2005

convey the claimed subject matter to a person of ordinary skill in the art. In accordance with MPEP § 2163.II.A.3(b):

When an explicit limitation in a claim "is not present in the written description whose benefit is sought it must be shown that a person of ordinary skill would have understood, at the time the patent application was filed, that the description requires that limitation." Hyatt v. Boone, 146 F.3d 1348, 1353, 47 USPQ2d 1128, 1131 (Fed. Cir. 1998).

The specification teaches that (page 4, line 27, through page 5, line 2; emphasis added):

In response to a user command to transmit an electronic message (step 50), access restriction filter 40 interrogates the electronic message for an access restriction notice (step 52). If an access restriction notice is not detected (step 54), the message is transmitted (step 56); otherwise, access restriction filter 40 responds in accordance with one or more of the prescribed transmission policies 44 (step 58).

With this teaching, the specification clearly conveys that the access restriction filter 40 is configured to detect an "access restriction notice." The specification defines the term "access restriction notice" as follows (page 5, lines 7-10):

... the term "access restriction notice" is intended to refer to any notice restricting access to information associated with the notice. Exemplary access restriction notices include "Copyright," "Confidential," "Proprietary" and "Internal Use Only."

Each of the exemplary access restriction notices listed in this disclosure consists of letters selected from the English alphabet. Even though the specification does not explicitly recite that the constituent characters of these exemplary access restriction notices are "human-readable", one skilled in the art certainly would have understood that each of these constituent characters is in fact "human-readable". In addition, based on the ordinary and accustomed meaning of each of the exemplary access restriction notices, such a person readily would have understood that the constituent characters of each of the exemplary access restriction notices have an intrinsic human-intelligible meaning that access to information associated with the access restriction notice is restricted.

Applicant : William J. Beyda
Serial No. : 09/668,039
Filed : September 21, 2000
Page : 8 of 11

Attorney's Docket No.: 00P7906US
Reply to Office Action dated Oct. 20, 2005

On page 5, line 11, through page 6, line 11, the specification explains that the access restriction filter 40 detects the access restriction notice in an electronic message in different ways depending on the type of content contained in the electronic message.

For example, in some cases, the access restriction filter 40 detects the access restriction notice in textual content that is contained in the electronic message (see page 5, lines 13-23). The textual content may be located in, for example, an e-mail message, a document, and a header of a multimedia file. At the time the application was filed, one skilled in the art would have understood that in these cases the access restriction notice would have a presentation that is capable of being read by humans (i.e., human-readable) because it was well-known in the art that text has a presentation consisting of human-readable alphanumeric characters. In these cases, the access restriction filter 40 detects text-based access restriction notices by comparing a machine-readable presentation of the text (e.g., ASCII codes) in the message to one or more stored access restriction notices (see page 5, lines 13-15).

In other cases, the access restriction filter 40 detects the access restriction notice in image content that is contained in the electronic message (see page 5, lines 25-30). The image content may be located in, for example a still image or a video frame (see page 5, lines 25-28, and page 6, lines 6-9). At the time the application was filed, one skilled in the art would have understood that in these cases the access restriction notice would have a presentation that is capable of being read by humans (i.e., human-readable) because it was well-known in the art that image content containing notices, such as "Copyright," "Confidential," "Proprietary" and "Internal Use Only," has a presentation consisting of an image of human-readable characters spelling out such notices. In these cases, the access restriction filter 40 detects image-based access restriction notices by using, for example, character recognition technology to translate human-readable characters in the image into a computer-readable form, and then comparing the translated characters to one or more stored access restriction notices (see page 5, lines 28-30).

For the reasons explained above, the specification reasonably conveys to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the invention defined by the pending claims. Therefore, the Examiner's rejection of claims 1, 14, and 29 under 35 U.S.C. § 112, first paragraph, should be withdrawn. The Examiner's objection to the specification also should be withdrawn for the same reasons.

Applicant : William J. Beyda
Serial No. : 09/668,039
Filed : September 21, 2000
Page : 9 of 11

Attorney's Docket No.: 00P7906US
Reply to Office Action dated Oct. 20, 2005

III. Claim rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-5, 14-18, and 29-32 under 35 U.S.C. § 102(e) over Stebbings (U.S. 6,757,728).

A. Independent claim 1

Stebbing does not teach an access restriction filter that is configured to detect an access restriction notice having a human-readable presentation comprising one or more human-readable characters having an intrinsic human-intelligible meaning that access to information associated with the access restriction notice is restricted, as recited in independent claim 1.

In accordance with one embodiment, Stebbings describes an internet authorization flag that is transformed into a modified code signal that is combined with an original audio signal to form a composite audio signal. The embedded internet authorization flag does not constitute a human-readable access restriction notice comprising one or more human-readable characters having an intrinsic human-intelligible meaning that access to information associated with the access restriction notice is restricted. Instead the internet authorization flag consists of a sequence of code symbols that are embedded in the audio signal in the form of a pseudo-random number sequence (see col. 4, lines 7-11). Neither the internet authorization flag nor the pseudo-random code sequence has an intrinsic human-intelligible meaning that access to information associated with the internet authorization flag is restricted. Indeed, the internet authorization flag and the corresponding pseudo-random code sequence have no meaning outside of Stebbings' content authorization system and are intelligible only to a suitably configured machine.

In accordance with another embodiment, Stebbings describes an authorization usage file header that precedes a digital stream containing music (see col. 8, lines 53-57). The header includes a copyright flag that identifies whether the music is subject to copyright (see col. 8, lines 58-61). The copyright flag, however, does not constitute an access restriction notice having a human-readable presentation comprising one or more human-readable characters having an intrinsic human-intelligible meaning that access to information

Applicant : William J. Beyda
Serial No. : 09/668,039
Filed : September 21, 2000
Page : 10 of 11

Attorney's Docket No.: 00P7906US
Reply to Office Action dated Oct. 20, 2005

associated with the access restriction notice is restricted. Instead the copyright flag consists of a code symbol that is intelligible only to a suitably configured machine (see col. 11, lines 12-14; col. 12, lines 40-49). Indeed, the copyright flag has no meaning outside of Stebbings' content authorization system.

For at least these reasons, the Examiner's rejection of independent claim 1 under 35 U.S.C. § 102(e) over Stebbings now should be withdrawn.

B. Dependent claims 2-5

Each of claims 2-5 and 30 incorporates the features of independent claim 1 and therefore is patentable over Stebbings for at least the same reasons explained above.

C. Independent claim 14

Independent claim 14 recites features that essentially track the pertinent features of independent claim 1 discussed above. Therefore, claim 14 is patentable over Stebbings for at least the same reasons explained above in connection with independent claim 1.

D. Dependent claims 15-18 and 31

Each of claims 15-18 and 31 incorporates the features of independent claim 14 and therefore is patentable over Stebbings for at least the same reasons explained above.

E. Independent claim 29

Independent claim 29 recites features that essentially track the pertinent features of independent claim 1 discussed above. Therefore, claim 29 is patentable over Stebbings for at least the same reasons explained above in connection with independent claim 1.

Applicant : William J. Beyda
Serial No. : 09/668,039
Filed : September 21, 2000
Page : 11 of 11

Attorney's Docket No.: 00P7906US
Reply to Office Action dated Oct. 20, 2005

F. Dependent claim 32

Claim 32 incorporates the features of independent claim 29 and therefore is patentable over Stebbings for at least the same reasons explained above.

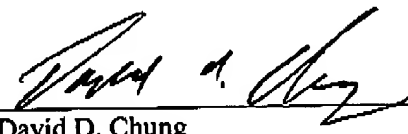
IV. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 19-2179.

Respectfully submitted,

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